



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 54
AGENDA DATE: Thu 01/13/2005
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SUBJECT: Set a public hearing to consider an ordinance amending Sections 25-2-805 and 25-2-899 relating to fence height (Suggested date and time: January 27, 2005, at 6:00 p.m., City Hall Council Chambers).

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Luci Gallahan, 974-2669; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: Council initiated the code amendment on August 12, 2004.

BOARD AND COMMISSION ACTION: To be reviewed by Planning Commission on January 11, 2005.

On August 12, 2004, the City Council directed staff to initiate an amendment to the Land Development Code to allow an eight-foot fence height between adjoining residential and commercial use properties. The attached draft amendment, Part 2 adds a new subsection (G) to Section 25-2-899 FENCES AS ACCESSORY USES of the Land Development Code, which provides for an eight-foot fence for residential uses adjacent to commercial or industrial uses or properties zoned as a commercial or industrial base district.

Part 1 of the attached draft amends the current requirements for Drop-Off Recycling Collection Facilities to allow these facilities to erect an eight-foot fence.

Currently, a residential use is restricted to a six-foot fence. A residential property owner wishing to erect a fence up to eight feet in height is required to obtain written consent from all adjoining property owners indicating they have no objection to the taller fence. In addition, the property owner must demonstrate that the taller fence is needed because of a change in grade of at least two feet within 50 feet of the boundary between adjoining properties, or that there is a structure that would enable a child to climb over a six-foot fence and gain access to a hazardous situation such as a swimming pool.

A property owner whose lot does not meet the requirements may seek a variance from these restrictions from the Board of Adjustment. The property owner must demonstrate to the Board that the taller fence is necessary due to a hardship that is unique to the property.

The proposed amendment would allow a residential property owner to erect a solid fence up to eight feet in height only if the lot is adjacent to commercial or industrial uses or zoning districts without having to meet the required restrictions or seeking a variance.